

AN ORDINANCE

101311

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED
DEVELOPMENT CODE, SECTION 35-304, OF THE CITY
CODE OF SAN ANTONIO, TEXAS BY CHANGING THE
ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

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WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:


SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of the West 77 feet of Lot 18, Block 109, NCB 1386 from "RM-4" Residential Mixed District to (HS) "RM-4" Historic Significant Residential Mixed District.

SECTION 2. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 3. The Director of Planning shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 4. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective September 4, 2005.

PASSED AND APPROVED this 25th day of August, 2005.



M A Y O R
PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

Agenda Voting Results

Name: Z-8

Date: 08/25/05

Time: 03:42:08 PM

Vote Type: Multiple selection

Description: Z-8. ZONING CASE #Z2005133 (District 2): An Ordinance changing the zoning district boundary on the West 77 feet of Lot 18, Block 109, NCB 1386, to "HS" Historic Significant, 701 Montana, as requested by City of San Antonio, Historic Preservation Officer, Applicant, for Winston & Bobbie Jane Butler, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

CASE NO: Z2005133

Staff and Zoning Commission Recommendation - City Council

Date: August 25, 2005

Zoning Commission Meeting Date: June 21, 2005

Council District: 2

Ferguson Map: 617 B6

Applicant:

City of San Antonio, Historic
Preservation Officer

Owner:

Winston & Bobbie Jane Butler

Zoning Request: To designate property "HS" Historic, Significant

The west 77 feet of Lot 18, Block 109, NCB 1386

Property Location: 701 Montana

North East corner of Montana and South Pine Street

Proposal: To designate property "HS" Historic, Significant

Neighborhood Association: Nevada Street Neighborhood Association

Neighborhood Plan: Downtown Neighborhood Plan

TIA Statement: A Traffic Impact Analysis is not required

Staff Recommendation:

Consistent

The Downtown Neighborhood Plan identifies the proposed area as residential, with a desire to continue infill and housing rehabilitation development, in an effort to maintain the existing neighborhood character.

Approval

The applicant is requesting a designation as Historic Significant for the property. The proposed zoning request does not alter the base zoning. On April 20, 2005, the Historic Design and Review Commission (HDRC) recommended a finding of historic significance for this property. Attempts to contact the property owner have been unsuccessful.

The building meets the following Unified Development Code criteria for designation as a City of San Antonio landmark:

- (1) Its value as a visible reminder of the cultural heritage of the community (35-607 (b)(1)).
- (2) It embodies distinguishing characteristics of the Folk Victorian architectural style architectural character as a particularly fine example of a commercial structure (35-607 (b)(5)).
- (3) It has historical integrity of location, design, materials and workmanship (35-607 (b)(8)).
- (4) It constitutes a particular example of architectural type (35-607 (c)(1)(c)).
- (5) Constructed in 1904, the building has come to represent a part of San Antonio's cultural heritage for at least twenty-five years (35-607 (c)(2)(a)).

Zoning Commission Recommendation:

Approval

VOTE

FOR 10

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Rudy Nino, Jr. 207-8389

Z2005133

ZONING CASE NO. Z2005133 – June 21, 2005

Applicant: City of San Antonio, Historic Preservation Office

Zoning Request: To designate property Historic Significance

Ann McGlone, Historic Preservation Officer, stated this case is a City initiated case. She stated they have made numerous attempts in trying to get in contact with the owner and have not received a response. She stated this particular case was presented to the Historic Design and Review Commission on March 2, 2005 and was recommended a finding of Historic Significance. This structure meets the criteria for historic designation landmark as mentioned in the Unified Development Code.

FAVOR

Nettie Hinton, 509 Burleson Street, stated she strongly supports this request as she feels this change would have a positive impact on the community.

Charles English, 807 Canton St., President of Jefferson Heights Neighborhood Association, stated they are in support of this request. He stated their intent is to preserve and enhance the neighborhood.

Staff stated there were 33 notices mailed out to the surrounding property owners, 2 returned in opposition and 1 returned in favor and no response from Nevada Street Neighborhood Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

The motion was made by Commissioner Peel and seconded by Commissioner Sherrill to find consistency with the neighborhood plan.

(A verbal vote was taken)

AYES: Martinez, Robbins, Rodriguez, Kissling, Dutmer, Sherrill, McAden, Avila, Stribling, Peel

NAYS: None

THE MOTION CARRIED

Z2005133

COMMISSION ACTION

The motion was made by Commissioner Peel and seconded by Commissioner Dutmer to recommend approval.

1. Property is located on the west 77 feet of Lot 18, Block 109, NCB 1386 at 701 Montana.
2. There were 33 notices mailed, 2 returned in opposition and 1 in favor.
3. Staff recommends approval.

AYES: Martinez, Robbins, Rodriguez, Kissling, Dutmer, Sherrill, McAden, Avila, Stribling, Peel

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.